

## **REMARKS/ARGUMENTS**

### **Claim Amendments**

The Applicant has amended claims 1, 3, 4, 6, 12, and 14-16; claims 19-21 have been canceled. Applicant respectfully submits no new matter has been added. Accordingly, claims 1-18 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### **Examiner Objection – Information Disclosure Statement**

The information disclosure statement filed 12/10/2004 is objected to because it fails to comply with 37 CFR 1.98(a)(1). Applicant has modified the information disclosure statement. The Examiner's consideration of the modified information disclosure statement is respectfully requested.

### **Examiner Objections – Specification**

The specification was objected to because the abstract includes the language "The present invention relates to". The Applicant thanks the Examiner for his careful review of the specification. In response, the Applicant has modified the specification as suggested by the Examiner. The Examiner's consideration of the amendments to the specification is respectfully requested.

### **Claim Rejections – 35 U.S.C. § 103 (a)**

Claims 1-4, 12-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kall et al (US 2003/0043786 A1) in view of Sarkkinen et al. (US 2003/0134653). The Applicant has amended independent claims 1 and 12 to more better define the intended scope of the invention to which the Applicant is entitled. The Applicant respectfully traverses the rejection of these claims.

The Kall reference is cited for disclosing a method for providing broadcast/multicast service in a mobile telecommunication system. As Kall does not

expressly disclose the use of Multimedia Broadcast/Multicast service, Sarkkinen is cited as disclosing MBMS. However, neither of the prior art reference discloses attaching or detaching a second user equipment to an MBMS session by issuing a Multicast Request Attach and Multicast Request Detach messages as claimed in amended claims 1 and 12 (Page 13, lines 25-33, Fig. 7).

The present invention discloses sending new signaling messages over the lu interface. Signaling of MBMS information feedback between two RNCs, connected via the Iur interface is enabled by use of a Multicast Attach Request message. The MBMS information includes a Multicast Attach Request message and a Multicast Detach Request message regarding a particular user equipment. By using the new messages, the Serving RNC is aware that the UE wants to join a particular MBMS in a cell controlled by a Drift RNC wherein the DRNC can then add the particular user equipment to the rest of the UEs in the particular user equipment's cell that are using the MBMS service (Page 13, lines 25-33, Fig. 7).

As discussed above, the amended base claims 1 and 12 contain elements which are not found in the Kall or Sarkkinen references, that of the Multicast Attach Request and the Multicast Detach Request messages. Furthermore, under MPEP § 2142, "[i]f the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness." It is submitted that neither the Kall reference nor the Sarkkinen references provides the recited claim limitations in claims 1 and 12. Thus, the combination of Kall and Sarkkinen references do not teach all of the claim elements. Consequently, the Office Action does not factually support a prima facie case of obviousness. The Applicant, therefore, respectfully requests that this rejection be withdrawn.

Claims 2-4 and 13-15 depend from amended claims 1 and 12 and recite further limitations in combination with the novel elements of claims 1 and 12. Therefore, the allowance of claims is respectfully requested.

Claims 5-11, 16-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kall et al (US 2003/0043786 A1) in view of Sarkkinen et al. (US

2003/0134653) in further view of Chuah (US 2003/0076803 A1). The Applicant respectfully traverses the rejection of these claims.

The Chuah reference is cited for disclosing communicating multicast information of a second user equipment from a second radio network controller to a first radio network controller. However, the Chuah reference does not supply the missing element of providing Multicast Attach and Detach Request messages as found in independent claims 1 and 12.

Claims 5-11 and 16-21 depend from independent claims 1 and 12 respectively and recite further limitations in combination with the novel elements of claims 1 and 12. Therefore, the allowance of claims 5-11 and 16-21 is respectfully requested.

#### **Prior Art Not Relied Upon**

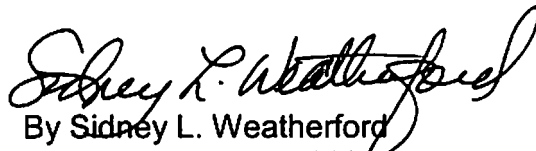
In paragraph 9 on page 13 of the Office Action, the Examiner stated that the prior art made of record and not relied upon is considered pertinent to the Applicant's disclosure.

**CONCLUSION**

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

  
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